

1 BENJAMIN B. WAGNER
United States Attorney
2 PHILIP A. FERRARI
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5

6 Attorneys for Plaintiff
United States of America
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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 MIKHAIL YURKEVICH TYULKIN,
16 Defendant.

CASE NO. CR S 03-0547 JAM

MOTION TO DISMISS INDICTMENT WITHOUT
PREJUDICE AND RECALL ARREST WARRANT;
ORDER

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18 An indictment was filed in this matter on December 18, 2003, charging the above-referenced
19 defendant with a violation of Title 18, United States Code §§ 1347 and 2 [Health Care Fraud and
20 Aiding and Abetting]. An arrest warrant issued on the indictment. In the almost ten years which have
21 passed since the indictment issued, law enforcement personnel have been unable to apprehend the
22 defendant and have reason to believe he is outside the United States. Pursuant to Rule 48(a) of the
23 Federal Rules of Criminal Procedure, plaintiff United States of America seeks the leave of this
24 Honorable Court to dismiss the indictment without prejudice. This motion is based upon the passage of
25 time, limitations of government resources, and the lack of indications the defendant will be
26 apprehended. The United States also respectfully requests that the arrest warrant be recalled.

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1 Dated: July 24, 2013

BENJAMIN B. WAGNER
United States Attorney

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3 /s/ Philip A. Ferrari
4 PHILIP A. FERRARI
5 Assistant United States Attorney
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7 **ORDER**

8 The United States' motion to dismiss is GRANTED and the indictment (Docket, #1) is ordered
9 DISMISSED WITHOUT PREJUDICE. The arrest warrant (Docket, # 14) is RECALLED.

10 **SO ORDERED:**

11 DATED: 7/24/2013

12 /s/ John A. Mendez
13 HONORABLE JOHN A. MENDEZ
14 UNITED STATES DISTRICT COURT JUDGE
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